

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7039 OF 2005

Shri Rama Paddu Pojari. . . . Petitioner.

VS.

Municipal Corporation of
Greater Mumbai. . . . Respondent.

Mr. G. S. Godbole with Ms. J.P. Thacker
for petitioner.

Ms. Nisha Dabhade for respondent.

CORAM : S.U. KAMDAR, J.

DATE : 28th November, 2005.

P.C.:

. By the impugned order dated 16.9.2005 passed in the notice of motion No. 1009 of 2005 the trial Court has permitted the respondent to file the written statement. The respondent is the Municipal Corporation of Greater Bombay. There is undoubtedly delay in filing the written statement. In my opinion, the matter should be heard on merits and the order of permitting the written statement on record by the trial Court is not required to be interfered with in writ jurisdiction under Article

227 of the Constitution of India. However, in the facts and circumstances of the case, the respondent is directed to pay the costs quantified at Rs. 2500/- to the petitioner. Cost to be paid within a period of two weeks from today. Petition dismissed accordingly. No order as to costs.